

## Chapter 210 CONDITIONAL USES

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**210.01 Purpose.** There are certain uses that, due to the nature of the impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. The purpose of this Chapter is to provide standards and procedures under which a conditional use may be permitted, enlarged or altered if the site is appropriate and if other appropriate conditions of approval can be met.

**210.02 Authorization.** Conditional use permits shall be issued to the owner of the property.

A. Applicability:

1. Conditional uses listed in this Ordinance shall be permitted, altered or denied in accordance with the standards and procedures of this Chapter related to the following actions:
  - a. Permitting a new conditional use;
  - b. Modifying an existing conditional use;
  - c. Re-activating a conditional use that has been interrupted or abandoned for a period of one year or more.
2. Surface mines whose Department of Geology and Mineral Resources (DOGAMI) permits have been continuously renewed by payment of an annual renewal fee and/or the bond retained shall be considered as an on-going use even if the activity at the site has been interrupted longer than one year.

B. Approval and conditions. Upon adoption of findings relating to the need for additional requirements, the Decision-Making Body may impose additional conditions as described in Section 210.06 to ensure the proposed use or modified use does not create adverse impacts on surrounding properties.

**210.03 Process Type**

- A. New conditional use. A new conditional use shall be reviewed by means of a Type III procedure, per Section 115.07. Criteria listed in the applicable land use zone or overlay zones will apply, in addition to the approval criteria in Section 210.04.
- B. Modified conditional use. Modifications to existing conditional use permits shall be reviewed by means of Chapter 245.

- C. Reactivated conditional use. A reactivated conditional use shall be reviewed by means of a Type II procedure, per Section 115.06, using approval criteria in Section 210.04. Criteria listed in the applicable land use or overlay zones will apply, in addition to the approval criteria in Section 210.04. The reactivated permit shall be given the same expiration date as would a new conditional use permit for the same use.

#### **210.04 Approval Criteria**

- A. New or Re-activated Conditional Use. A new or re-activated conditional use may be approved, approved with conditions, or denied based on compliance with the following approval criteria:
1. The proposal will be consistent with the Comprehensive Plan and objectives of this Ordinance and other applicable policies of the County.
  2. Taking into account location, size, design and operating characteristics, the proposal will have a minimal adverse impact on the (1) livability, (2) value, and (3) appropriate development of abutting properties and the surrounding area compared to the impact of development that is permitted outright.
  3. All required public facilities have adequate capacity to serve the proposal.
  4. The proposal will not result in emissions that damage the air or water quality of the area. Documentation is required to demonstrate that required state and federal discharge permits have been obtained.
  5. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrant.
  6. The proposal will preserve assets of particular interest to the community.
- B. Modified Conditional Use. Modifications to existing conditional use permits shall be reviewed by criteria set forth in Chapter 245.
- C. Phased development approval. As part of the approval process, the decision-making body shall approve a time schedule for developing a site in phases over a period of time of up to 4 years, with possible extension approval of up to 2 additional years. To approve a phased conditional use review proposal, all of the following criteria shall be satisfied:
1. The public facilities shall be constructed in conjunction with or prior to each phase.
  2. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities.
  3. The phased development shall not result in requiring the County or other property owners to construct public facilities that were required as part of the approved development proposal.

**210.05 Conditions of Approval.** In permitting a new, modified or re-activated conditional use, the Decision-Making Body may impose additional conditions that the Decision-Making Body considers necessary to protect the best interests of the surrounding area or the County as a whole.